

REMARKS

These comments are responsive to the Official Action mailed on June 2, 2004. The Office Action rejected claims 63-97 under 35 U.S.C. 112, first paragraph. More specifically, the Office Action states that, with respect to independent claims 63, 82, 85, 87, 89, 91 and 96, the specification lacks support for "a memory array comprising a plurality of ... address cells". This rejection is respectfully submitted to be in error.

The element of claim 63 in question is

a memory array comprising a plurality of groups of data cells and address cells, said cells in each of said groups of data cells and address cells respectively storing data and addresses;

Figure 5, as described beginning at line 23 of Figure 5, shows a group of cells, DEFECT MAP 409 of sector 401. As there are a number of such sectors (see, e.g. Figure 2 or Figure 3A), there are a plurality of such groups of cells. As these cells store addresses ("addresses ... are stored ... in the defect map 409", p.17, lns. 6-8), there are a plurality of groups of cells for storing addresses. Thus, the present application provides support for "a memory array comprising a plurality of groups of ... address cell storing addresses". Consequently, it is respectfully submitted that the present application provides support for "a memory array comprising a plurality of groups of ... address cells, said cells in each of said groups of ... address cells ... storing ... addresses" and that the rejection of claim 63 under 35 U.S.C. 112, first paragraph, is not well founded and should be withdrawn.

The Office Action seems to be requiring support for some element or particular embodiment not found in the claim. This is improper. The question is only whether the present application supports the claim *as it is written*. As shown above, this is the case.

More specifically, the Office Action seems to find fault with the support as in the cited embodiment the addresses are of defective cells; but, defective cells or not, these cells are *storing addresses*, and meet the requirement of the claim. Additionally, it should be noted that using the address cells to store the addresses of defective data cells is a particular embodiment and is explicitly recited, for example, in claim 64 (which is

claim 2 of U.S. patent 6,141,267 of Kirihata et al.) or claim 76 (which is claim 25 of U.S. patent 6,141,267 of Kirihata et al.):

“said address cells are ... *for storing addresses of defective ones of data cells*”[emphasis added]

In any case, these cells are storing address and, consequently, claim 63 and the other independent claims are fully supported and the rejection is both improper and incorrect.

It is noted that the Office Action (page 3, lines 6 and 7) admits the specification “describes the addresses of the defective cell and the backup cell stored as defect pointers.” Thus, the Office Action admits that the cells store addresses; consequently, the cells store addresses and are thus address cells. It is again noted that rejecting this support is improper (as it is requiring a limitation not found in the claim), incorrect (an address of a defective cell is still an address), inconsistent (as dependent claims, which are also copied from the Kirihata patent, specifically are drawn to this case). It is unclear if the Office Action is also objecting to the word “pointer”, but, as is clear from the citation, this is itself just an address.

The Office Action also seems to be requiring that “address cells” are a different type of cell from those used as data cells. Again, this is limitation not found in the independent claims and a rejection on this basis is improper. Additionally, it should be noted that using address cells and data cells of the same type of cell is a particular embodiment and is explicitly recited, for example, in claim 66 (which is claim 5 of U.S. patent 6,141,267 of Kirihata et al.):

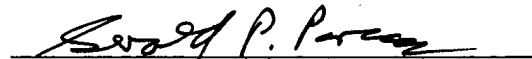
“wherein said data cells and said address cells *are of a same cell type*.”[emphasis added]

Thus, rejecting this support is also improper (as it is requiring a limitation not found in the claim), incorrect (an address of a defective cell is still a cell), inconsistent (as dependent claims, which are also copied from the Kirihata patent, specifically are drawn to this case).

Concerning claims 82, 85, 87, 89, 91 and 96, these are rejected for the same reason as claim 63 and are also believed allowable for the reasons given above claim 63.

Therefore, it is respectfully submitted that the Office Action's rejection of claims 63-97 under 35 U.S.C. 112, first paragraph, is not well founded and should be withdrawn. Reconsideration of claims 63-97 and a prompt indication of their allowability are respectfully requested. If the Examiner has any questions, a call to the undersigned is respectfully requested.

Respectfully submitted,



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